

10 October 2019

Ex Parte

Marlene H. Dortch
Secretary, Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Expanding Flexible Use of the 3.7 to 4.2 GHz Band; GN Docket No. 18-122

Dear Ms. Dortch:

On 8 October 2019, James Frownfelter, Chairman and CEO of ABS Global Ltd. (ABS), and undersigned counsel met with Commissioner Carr and his Legal Advisor, Will Adams, on behalf of the Small Satellite Operators (SSOs).

We described the SSOs' investments in the U.S. C-band, and the importance of their U.S. authorizations to their global satellite businesses. We also expressed the following views:

- The Commission should reallocate 300 MHz of C-band spectrum to allow terrestrial mobile services, which can be implemented quickly through the use of compression technology.
- A substantial portion of the reallocation proceeds should be deposited in the U.S. Treasury.
- A substantial portion of the proceeds should be used to incentivize earth station operators to relocate from the lower part of the band promptly.
- The SSOs would support a private auction conducted by the C-Band Alliance (CBA), provided that it was governed by Commission rules that ensured an open and transparent process, and a fair and equitable distribution of the proceeds among all C-band satellite operators with FCC authorizations to serve the United States.
- A mechanism for distributing the proceeds is needed to overcome the non-exclusivity problem because the large satellite operators cannot set the terms on which their smaller competitors relinquish spectrum—or be allowed simply to take their competitors' share of collectively held rights. A true market-based solution does not allow one competitor to sell the rights of another—or decide what another competitor will receive for those rights.
- The CBA's proposed exclusion of the SSOs would be arbitrary, anticompetitive, contrary to precedent, and awful spectrum policy. Confiscating licensed spectrum from the SSOs after their significant network investment would wreak a fundamental change not just in the terms of the SSOs' authorizations, but in what FCC licenses mean—and in what they are worth.
- The SSOs will continue to engage other parties in good faith, and to help the Commission reach a decision that will make room for 5G service quickly, lawfully, and fairly.

Ms. Marlene H. Dortch

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Please contact us if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "SCOTT HARRIS". The signature is written in a cursive style with capital letters.

Scott Blake Harris

Shiva Goel

Counsel to the Small Satellite Operators

cc: meeting attendees